

Film No.	File No.	<b>STATE OF NORTH CAROLINA</b>  <b>WAKE</b>		<b>In the General court of Justice</b>  Superior Court Division	
<b>SEARCH WARRANT</b>					
In the Matter of					
The search of information regarding accounts associated with the area near the location 35.785556,-78.617145 between 6:00pm EST and 7:00pm EST on 11-07-2016 and 5:25pm EST and 6:25pm EST on 11-08-2016, maintained on computer servers controlled by Google, Inc.					
Date Issued 04/19/2017	Time issued 11:13 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	To any officer with authority and jurisdiction to conduct the search authorized by this Search Warrant:			
Name of Applicant Detective M. Quagliarello		I, the undersigned, find that there is probable cause to believe that the property and person described in the application on the reverse side and related to the commission of a crime is located as describe the application.			
Name of additional Affiant					
Name of Additional Affiant					
<b>RETURN OF SERVICE</b>					
I certify that this Search WARRANT was received and executed as follows:		You are commanded to search the premises, vehicle, person, and other place or item described in the application for the property and person in question. If the property and/or person are found, make the seizure and keep the property subject to Court Order and process the person according to law.			
Date Received	Time Received <input type="checkbox"/> AM <input type="checkbox"/> PM	You are directed to execute this Search Warrant within forty-eight (48) hours from the time indicated on this warrant and make due return to the Clerk of Issuing Court.			
Date Executed	Date and Time Return				
<input type="checkbox"/> I made a search of _____ _____ _____ _____ as commanded.		This Search Warrant is issued upon information furnished under oath by the person or persons shown.			
<input type="checkbox"/> I seized the items listed on the attached Inventory.					
<input type="checkbox"/> I did not seize any items.					
<input type="checkbox"/> This warrant was not executed within 48 hours of the date of issuance and I hereby return it not executed					
Signature of Officer Making Return		Date	19 APR 2017 Signature <i>[Signature]</i>		
Department or Agency of Officer		Time <input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Asst. CSC <input type="checkbox"/> clerk of Superior Court <input type="checkbox"/> Magistrate <input type="checkbox"/> District Ct. Judge <input checked="" type="checkbox"/> Superior CT. Judge		
		Signature			
AOC-CR-119 / Rev 8/83		<input type="checkbox"/> Deputy <input type="checkbox"/> Asst. CSC <input type="checkbox"/> Clerk of Superior Court			

## APPLICATION FOR SEARCH WARRANT

I, Detective Mark Quagliarello of the Raleigh Police Department, being duly sworn, request that the Court issue a warrant to search the person, place, vehicle, and other items described in this application and to find and seize the property and person described in this application. There is probable cause to believe that (Describe property to be seized; or if search warrant is to be used for searching a place to serve an arrest warrant or other process, name person to be arrested.)

SEE ATTACHED "PROPERTY/EVIDENCE TO BE SEIZED"

constitutes evidence of a crime and the identity of a person participating in a crime, NCGS 14-17; Murder

and is located (check appropriate box(s) and fill-in specified information)

☒ in the following premises: SEE ATTACHED "PLACES TO BE SEARCHED"

☐ (and) on the following person(s)

☐ (and) in the following vehicle(s)

☐ (and) (Name or describe other places or items to be searched, if applicable)

The applicant swears to the following facts to establish probable cause for the issuance of a search warrant:

SEE ATTACHED "PROBABLE CAUSE AFFIDAVIT".

### SWORN AND SUBSCRIBED TO BEFORE ME

Date

Signature

☐ Deputy CSC ☐ Asst CSC ☐ Clerk of Superior Court  
☐ Magistrate ☒ Judge

Signature of Applicant

☒ In addition to the affidavit included above, this application is supported by additional affidavit(s), attached, made by the above named applicant

☐ In addition to the affidavit included above, this application is supported by sworn testimony given by: \_\_\_\_\_

This testimony has been ☐ reduced to writing ☐ tape recorded and I have filed each with the Clerk.

If a continuation is necessary, continue the statement on an attached sheet of paper with notation saying "see attachment." Date the continuation and include on it the signatures of applicant and issuing official.



IN THE MATTER OF:

ATTACHMENT TO APPLICATION  
FOR SEARCH WARRANT

The search of information regarding accounts associated with the area near the location 35.785556, -78.617145 between 6:00pm EST and 7:00pm EST on 11-07-2016 and 5:25pm EST and 6:25pm EST on 11-08-2016, maintained on computer servers controlled by Google, Inc.

ATTACHMENT I- PROPERTY/EVIDENCE TO BE SEIZED:

The facts and circumstances outlined in this affidavit suggest that there is cause to believe evidence of the commission of the crime of Murder, a violation of North Carolina General Statute 14-17 (hereinafter "Subject Offense"), may be found within Google, Inc. or Google Payment Corp. accounts described further in ATTACHMENT II (hereinafter "Subject Accounts") stored at premises controlled by Google, a company that accepts service of legal process at 1600 Amphitheatre Parkway, Mountain View, California 94043. The following material is sought for the time period of 6:00pm EST and 7:00pm EST on 11-07-2016 and 5:25pm EST and 6:25pm EST on 11-08-2016:

To the extent within the Provider's possession, custody, or control, the Provider is directed to produce the following information associated with the Subject Accounts, which will be reviewed by law enforcement personnel (who may include, in addition to law enforcement officers and agents, attorneys for the government, attorney support staff, agency personnel assisting the government in this investigation, and outside technical experts under government control) are authorized to review the records produced by the Provider in order to locate any evidence, fruits, and instrumentalities of the above-mentioned Subject Offense.

- a. *Location information.* All location data, whether derived from Global Positioning System (GPS) data, cell site/cell tower triangulation/trilateration, and precision measurement information such as timing advance or per call measurement data, and Wi-Fi location, including the GPS coordinates, estimated radius, and the dates and times of all location recordings, 6:00pm EST and 7:00pm EST on 11-07-2016 and 5:25pm EST and 6:25pm EST on 11-08-2016;
- b. Each device corresponding to the location data to be provided by the "Provider" will be identified only by a numerical identifier, without any further content or information identifying the user of a particular device. Law enforcement will analyze this location data to identify users who may have witnessed or participated in the Subject Offenses and will seek any additional information regarding those devices through further legal process.
- c. For those accounts identified as relevant to the ongoing investigation through an analysis of provided records, and upon demand, the "Provider" shall provide additional location history outside of the predefined area for those relevant accounts to determine path of travel. This additional location history shall not exceed 30 minutes plus or minus the first and last timestamp associated with the account in the initial dataset. (The purpose of path of travel/contextual location points is to eliminate outlier points where, from the surrounding data, it becomes clear the reported point(s) are not indicative of the device actually being within the scope of the warrant.)
- d. For those accounts identified as relevant to the ongoing investigation through an analysis of provided records, and upon demand, the "Provider" shall provide the subscriber's information for those relevant accounts to include, subscriber's name, email addresses, services subscribed to, last 6 months of IP history, SMS account number, and registration IP.

*sworn and subscribed  
before me on 19 APR 2017.*

*[Signature]*  
C. ... 1 D. + D 1.

*[Signature]*

IN THE MATTER OF:

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ATTACHMENT II- PLACES TO BE SEARCHED:

This warrant is directed to Google, Inc. (the "Provider"), headquartered at 1600 Amphitheatre Parkway, and applies to all content and other information within the Provider's possession, custody, or control associated with the Google accounts located within the geographical region bounded by the following latitudinal and longitudinal coordinates between 6:00pm EST and 7:00pm EST on 11-07-2016 and 5:25pm EST and 6:25pm EST on 11-08-2016 (the "Subject Accounts"):

Geographical box with the following 4 (four) latitude and longitude coordinates:

- 1.) 35.785816, -78.617344
- 2.) 35.785813, -78.616497
- 3.) 35.783538, -78.617357
- 4.) 35.783549, -78.616518



SWORN TO AND SUBSCRIBED BEFORE ME  
THIS 19 DAY OF APR, 2017.

☐ Deputy CSC ☐ Asst. CSC ☐ Clerk of Sup. Ct. ☐ Mag. ☒ Judge

  
Signature of Applicant

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IN THE MATTER OF:

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ATTACHMENT III - PROBABLE CAUSE AFFIDAVIT:

The Affiant swears to the following facts to establish probable cause for the issuance of a search warrant:

INTRODUCTION AND AGENT BACKGROUND

1. This affiant makes this affidavit in support of an application for a search warrant for information that is maintained on computer servers controlled by Google, Inc. ("Google"), an email provider headquartered at 1600 Amphitheatre Parkway, Mountain View, California 94043. The information to be searched is described in the Attachment I and Attachment II of the proposed warrant, which consists of Google location data associated with a particular specified location at a particular time, also specified in Attachment I and Attachment II of the proposed warrant. This affidavit is made in support of an application for a search warrant under 18 U.S.C. § 2703(c)(1)(A) to require Google to disclose to the government copies of the information further described in Attachment I and Attachment II.<sup>1</sup>

2. I, Detective Mark Quagliarello, have been a Raleigh Police Officer for approximately nineteen (19) years. I am currently assigned (since 2011) to the Homicide Unit in the Detective Division of the Raleigh Police Department as a Detective. As a Detective assigned to the Homicide Unit, it is my responsibility to investigate Homicides and other death related incidents whether natural or accidental. I have investigated numerous crimes of this nature and am familiar with the elements that constitute the crime of Murder. Prior to my current assignment, I was assigned as a Detective on the Robbery Unit for one and a half years. As a Detective assigned to the Robbery Unit, it was my responsibility for investigating commercial and street level robberies. Prior to that assignment, I was assigned as a Detective in the Criminal Enterprise Unit for approximately two and a half years. As a Detective assigned to the Criminal Enterprise Unit, it was my responsibility for targeting, investigating, and arresting persons involved in drug trafficking of controlled substances. These investigations targeted organizations and subjects distributing large amounts of narcotics in North Carolina. Prior to that assignment, I was assigned as a Detective in the Drugs and Vice Unit for two years. While assigned to the Drugs and Vice Unit, it was my responsibility for targeting subjects selling street level narcotics in Raleigh. The first six years as a law enforcement officer were as a uniformed patrol officer. I have personally made and/or been involved in numerous investigations while being assigned to my current position on the Homicide Unit and while assigned in the other positions in my Law Enforcement career. I have

<sup>1</sup> The Government maintains that the information sought herein consists entirely of "record[s]" other than the "contents of communications," subject to an order under 18 U.S.C. § 2703(d), requiring only a showing that there are reasonable grounds to believe that the information sought is relevant and material to an ongoing criminal investigation. See 18 U.S.C. § 2703(c)(1)(A). Google has indicated that it believes a search warrant is required to obtain the location data sought in this application. Although the Government disagrees with Google's position, because there is probable cause to believe that the information sought herein will contain evidence of the federal criminal offenses specified in this Affidavit, the Government is seeking a search warrant here.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 17 DAY OF APR, 2017.

Mark Quagliarello  
☐ Deputy CSC ☐ Asst. CSC ☐ Clerk of Sup. Ct. ☐ Mag. ☒ Judge

Mark Quagliarello  
Signature of Applicant

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been trained in all areas of law enforcement through the Raleigh Police Academy, and regularly scheduled in-service training. This training includes specialized classes in laws of arrest, search and seizure, interviewing, search warrant preparation and criminal investigation. Over the past nineteen years, I have served numerous search warrants and arrested numerous people for criminal law violations. I have testified in state and Federal court in numerous crimes.

3. Based on the facts set forth in this affidavit, there is probable cause to believe that the Google accounts identified in Attachment II, associated with a particular specified location at a particular specified time, contain evidence, fruits and instrumentalities of Murder, a violation of North Carolina General Statute 14-17. This affidavit is based upon my personal knowledge, my review of documents and other evidence, and my conversations with other law enforcement officers, as well as my training and experience concerning the use of email in criminal activity. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts I have learned during my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

**JURISDICTION AND AUTHORITY TO ISSUE WARRANT**

4. Pursuant to 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A), the Government may require a provider of an electronic communications service or a remote computing service, such as the Provider, to disclose all stored content and all non-content records or other information pertaining to a subscriber, by obtaining a warrant issued using the procedures described in Article 11 of North Carolina General Statute.

5. A search warrant under § 2703 may be issued by "a court of general criminal jurisdiction of a State authorized by the law of that State to issue search warrants" 18 U.S.C. § 2711(3)(B).

6. When the Government obtains records under § 2703 pursuant to a search warrant, the Government is not required to notify the subscriber of the existence of the warrant. 18 U.S.C. § 2703(a), (b)(1)(A), (c)(2) & (3). Additionally, the Government may obtain an order precluding the Provider from notifying the subscriber or any other person of the warrant, for such period as the Court deems appropriate, where there is reason to believe that such notification will seriously jeopardize an investigation. 18 U.S.C. § 2705(b).

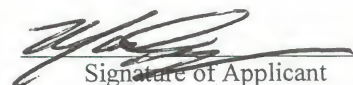
**BACKGROUND RELATING TO GOOGLE, GOOGLE LOCATIONS SERVICES AND RELEVANT TECHNOLOGY**

7. A cellular telephone or mobile telephone is a handheld wireless device primarily used for voice, text, and data communication through radio signals. Cellular telephones send signals through networks of transmitter/receivers called "cells," enabling communication with other cellular telephones or traditional "landline" telephones. Cellular telephones rely on cellular towers, the location of which may provide

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 19<sup>th</sup> DAY OF APR, 20 17.

☐ Deputy CSC ☐ Asst. CSC ☐ Clerk of Sup. Ct. ☐ Mag. ☒ Judge

  
Signature of Applicant

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IN THE MATTER OF:

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information on the location of the subject telephone. Cellular telephones may also include global positioning system ("GPS") technology for determining the location of the device.

8. Google is a company which, among other things, provides electronic communication services to subscribers, including email services. Google allows subscribers to obtain email accounts at the domain name gmail.com and/or google.com. Subscribers obtain an account by registering with Google. A subscriber using the Provider's services can access his or her email account from any computer connected to the Internet.

9. Google has developed an operating system for mobile devices, including cellular phones, known as Android that has a proprietary operating system. Nearly every cellular phone using the Android operating system has an associated Google account, and users are prompted to add a Google account when they first turn on a new Android device.

10. Based on my training and experience, I have learned that Google collects and retains location data from Android-enabled mobile devices when a Google account user has enabled Google location services. Google can also collect location data from non-Android devices if the device is registered to a Google account and the user has location services enabled. The company uses this information for location-based advertising and location-based search results. This location information is derived from GPS data, cell site/cell tower information, and Wi-Fi access points.

11. Location data can assist investigators in understanding a fuller geographic picture and timeline, which may tend to identify potential witnesses, as well as possibly inculcating or exculpating account owners. Additionally, location information digitally integrated into image, video, or other computer files sent via email can further indicate the geographic location of the accounts user at a particular time (e.g., digital cameras, including on cellular telephones, frequently store GPS coordinates indicating where a photo was taken in the metadata of image file).

### PROBABLE CAUSE

12. On November 08, 2016 at approximately 1815 hours, the Raleigh Police Department uniformed patrol officers were dispatched to 432 Hill Street in regards to a shooting. Upon arrival, the uniformed patrol units found Nwabu Cyril Efobi deceased out front of the business. Nwabu Efobi was a cab driver for Universal Cab Company. Universal Cab Company is the business located at 432 Hill Street. Nwabu Efobi had been shot multiple times.

In the course of the investigation, a video surveillance system was identified that monitored and recorded the buildings at the shopping center. The cameras covered the back, front and sides of the buildings. The camera system was reviewed. On 11/08/2016 at approximately 1800 hours a black male subject is recorded walking behind the shopping center and Universal Cab Company. This subject is wearing a hooded sweatshirt. The subject comes around the side of the building to the front door area of the Universal Cab Company. The victim

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 19<sup>th</sup> DAY OF APR, 2017.

☐ Deputy CSC ☒ Asst. CSC ☐ Clerk of Sup. Ct. ☐ Mag. Judge

  
Signature of Applicant

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IN THE MATTER OF:

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exits the cab company and a confrontation ensues between the cab driver and the subject. The subject shoots the cab driver multiple times and then flees the area on foot around the side of the business and to the rear.

In the course of the investigation, the video surveillance from the building was reviewed for the days leading up to the incident. It should be noted that on 11/07/2016, the same black male subject in the hooded sweatshirt is observed behind the business on three separate times. The first incident is at approximately 1810 hours and the subject is observed walking behind the business to the front of the business. The subject then leaves and walks towards the rear of business. The subject is also observed at approximately 1833 hours walking again behind the business and to the front of the business. The subject stays outside the front of business for a short time period than walks around to the rear of the business. At approximately 1840 hours, the subject is seen on camera coming around to the side of the business from the rear. The subject has a CELLULAR DEVICE in his left hand that is positioned near his left ear. The subject appears to be on the phone. On this date, the subject also comes around to the front of the Universal Cab Company but leaves without incident. It should be noted that no cabs are parked in front of the business and no employees were present at the time during these three instances.

This applicant knows that a cellular telephone or mobile telephone is a handheld wireless device primarily used for voice, text, and data communication through radio signals. Cellular telephones send signals through networks of transmitter/receivers called "cells" or "cell sites," enabling communication with other cellular telephones or traditional "landline" telephones. Cellular telephones rely on cellular towers, the location of which may provide information on the location of the subject telephone. Cellular telephones may also include global positioning system ("GPS") or other technology for determining a more precise location of the device.

This applicant also knows that Google is a company which, among other things, provides electronic communication services to subscribers, including email services. Google allows subscribers to obtain email accounts at the domain name gmail.com and/or google.com. Subscribers obtain an account by registering with Google. A subscriber using the Provider's services can access his or her email account from any computer/device connected to the Internet.

This applicant knows that Google has also developed a proprietary operating system for mobile devices, including cellular phones, known as Android. Nearly every cellular phone using the Android operating system has an associated Google account, and users are prompted to add a Google account when they first turn on a new Android device.

Based on this applicant's training and experience, this applicant knows that Google collects and retains location data from Android-enabled mobile devices when a Google account user has enabled Google location services. Google can also collect location data from non-Android devices if the device is registered to a Google account and the user has location services enabled. The company uses this information for location-based advertising and location-based search results and stored such data in perpetuity unless it is manually deleted by the user.

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS 19<sup>th</sup> DAY OF APR, 20 17.

☐ Deputy CSC ☐ Asst. CSC ☐ Clerk of Sup. Ct. ☐ Mag. ☐ Judge

  
Signature of Applicant

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IN THE MATTER OF:

ATTACHMENT TO APPLICATION  
FOR SEARCH WARRANT

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This location information is derived from GPS data, cell site/cell tower information, Bluetooth connections, and Wi-Fi access points.

This applicant knows that location data can assist investigators in forming a fuller geospatial understanding and timeline related to a specific criminal investigation; and may tend to identify potential witnesses and/or suspects. Such information can also aid investigators in possibly inculcating or exculpating persons of interest.

Additionally, location information can be digitally integrated into image, video, or other computer files associated with a Google account and can indicate the geographic location of the accounts user at a particular date and time (e.g., digital cameras, including on cellular telephones, frequently store GPS coordinates indicating where a photo was taken in the "metadata" of an image file).

This applicant respectfully submits that there is probable cause to believe that information stored on the Providers' servers associated with the Google accounts and/or devices located at the location and timeframe specified in this warrant, will contain evidence, fruits and instrumentalities of the Subject Offense.

**EVIDENCE, FRUITS AND INSTRUMENTALITIES**

13. Based on the foregoing, I respectfully submit that there is probable cause to believe that information stored on the Providers' servers associated with the Google accounts accessed at particular specified location at a particular specified time, as specified in Attachment II of the proposed warrant, will contain evidence, fruits and instrumentalities of the Subject Offenses.

14. In particular, the geographical region bounded by the latitudinal and longitudinal coordinates indicated in Attachment II and the time specified in Attachment I to the proposed warrant reflects the period between 35.785556,-78.617145 between 6:00pm EST and 7:00pm EST on 11-07-2016 and 5:25pm EST and 6:25pm EST on 11-08-2016. The specific longitude and latitude indicated in Attachment II was identified through a mapping software, which matched the longitude and latitude indicated in Attachment II as corresponding to the area of where the crime scene in this case is located. This Application seeks authority to collect certain location information related to Google accounts that were located within the Target Area during the Target Time Period (the "Subject Accounts").

15. The information sought from Google regarding the Subject Accounts, specified in Attachment I to the proposed warrant, will identify which cellular devices were near the location where the crime occurred and may assist law enforcement in determining which persons were present or involved with the crime under investigation. The requested information includes:

SWORN TO AND SUBSCRIBED BEFORE ME  
THIS 19<sup>th</sup> DAY OF APR, 2017

[Signature]  
☐ Deputy CSC ☐ Asst. CSC ☐ Clerk of Sup. Ct. ☐ Mag. ☒ Judge

[Signature]  
Signature of Applicant

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IN THE MATTER OF:

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- a. *Location information.* All location data, whether derived from Global Positioning System (GPS) data, cell site/cell tower triangulation/trilateration, and precision measurement information such as timing advance or per call measurement data, and Wi-Fi location, including the GPS coordinates, estimated radius, and the dates and times of all location recordings, during the Target Time Period;
- b. Each device corresponding to the location data to be provided by Google will be identified only by a numerical identifier, without any further content or information identifying the user of a particular device. Law enforcement will analyze this location data to identify users who may have witnessed or participated in the Subject Offenses and will seek any additional information regarding those devices through further legal process.

### REQUEST FOR NON-DISCLOSURE

16. Based on the forgoing, I respectfully request that the Court issue the proposed search warrant. Because the warrant will be served on Google who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

17. The existence and scope of this ongoing criminal investigation is not publicly known. As a result, premature public disclosure of this affidavit or the requested warrant could alert potential criminal targets that they are under investigation, causing them to destroy evidence, flee from prosecution, or otherwise seriously jeopardize the investigation. In light of the violent nature of the crime under investigation, premature revelation of this investigation may alert dangerous targets that they have been identified by others and endanger the safety of witnesses who have been cooperating with the Government.

18. Accordingly, there is reason to believe that, were the Provider to notify subscribers of the Subject Accounts or others of the existence of the warrant, the investigation would be seriously jeopardized. Pursuant to 18 U.S.C. § 2705(b), I therefore respectfully request that the Court direct the Provider not to notify any person of the existence of the warrant for a period of 90 days from issuance, subject to extension upon application to the Court, if necessary.

### CONCLUSION

Based on the foregoing, I respectfully request that the warrant sought herein pursuant to the applicable provisions of the Stored Communications Act, 18 U.S.C. § 2703(b)(1)(A) (for contents) and § 2703(c)(1)(A) (for records and other information), and the relevant provisions of North Carolina General Statute.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 19<sup>th</sup> DAY OF Nov, 2017.

☐ Deputy CSC ☐ Asst. CSC ☐ Clerk of Sup. Ct. ☐ Mag. ☒ Judge

  
Signature of Applicant

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STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE -  
SUPERIOR COURT  
DIVISION

COUNTY OF WAKE

**APPLICATION FOR ORDER TO PREVENT DISCLOSURE OF THE EXISTENCE OF A SEARCH WARRANT FOR SEARCHES RELATED TO GOOGLE ACCOUNTS ASSOCIATED WITH THE AREA NEAR THE LOCATION 35.785556,-78.617145 between 6:00pm EST and 7:00pm EST on 11-07-2016 and 5:25pm EST and 6:25pm EST on 11-08-2016, MAINTAINED ON COMPUTER SERVERS CONTROLLED BY GOOGLE, INC., DATED 04/19/2017**

NOW COMES Raleigh Police Department, Detective M. Quagliarello, and petitions the Court to authorize an order to seal the search warrant dated 04/19/2017 authorizing the search of Google servers for accounts associated with the area near the location 35.785556,-78.617145 between 6:00pm EST and 7:00pm EST on 11-07-2016 and 5:25pm EST and 6:25pm EST on 11-08-2016 .

Pursuant to 18 U.S.C. § 2705(b), and 3103a(b), this applicant requests that the proposed order direct the provider, and all other communications providers, persons or entities who are obligated by the proposed warrant to provide assistance to the investigative agency, not to disclose in any manner, directly or indirectly, by any action or inaction, to the subscriber(s) or to any other person, the existence of the proposed warrant, in full or redacted form, the existence of the legal request or the existence of this investigation, unless otherwise ordered by this Court; and that the identity of any account users included within the search results may be redacted from any copy of the proposed warrant to be served on any service provider or other person.

The existence and scope of this ongoing criminal investigation is not publicly known. As a result, premature public disclosure of this affidavit or the requested warrant could alert potential criminal targets that they are under investigation, causing them to destroy evidence, flee from prosecution, or otherwise seriously jeopardize the investigation. In light of the serious nature of the crime under investigation, premature revelation of this investigation may alert dangerous targets that they have been identified by others and endanger the safety of witnesses who have been cooperating with the Government.

Accordingly, there is reason to believe that, were the Provider to notify subscribers of the Subject Accounts or others of the existence of the warrant, the investigation would be seriously jeopardized. Pursuant to 18 U.S.C. § 2705(a), I therefore respectfully request that the Court direct the Provider not to notify any person of the existence of the warrant for a period of 90 days from issuance, subject to extension upon application to the Court, if necessary.

For similar reasons, I respectfully request that the accompanying warrant and all papers submitted herewith be maintained under seal until the Court orders otherwise, except that the Government be permitted without further order of this Court to provide copies of the warrant and affidavit as need be to personnel assisting it in the investigation and prosecution of this matter, and to disclose those materials as necessary to comply with discovery and disclosure obligations in any prosecutions related to this matter.

The Applicant declares under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed on April 19, 2017.

RESPECTFULLY SUBMITTED THE 19 April 2017

SWORN BEFORE ME THIS 19 April 2017

APPLICANT'S NAME

NORTH CAROLINA SUPERIOR COURT JUDGE

MARK Quagliarello

James E. Hanch

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PRINTED



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STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE -  
SUPERIOR COURT  
DIVISION

COUNTY OF WAKE

**ORDER TO PREVENT DISCLOSURE OF THE EXISTENCE OF A SEARCH WARRANT FOR SEARCHES RELATED TO GOOGLE ACCOUNTS ASSOCIATED WITH THE AREA NEAR THE LOCATION 35.785556,-78.617145 between 6:00pm EST and 7:00pm EST on 11-07-2016 and 5:25pm EST and 6:25pm EST on 11-08-2016, MAINTAINED ON COMPUTER SERVERS CONTROLLED BY GOOGLE, INC., DATED 04/19/2017**

THIS MATTER having come before me on a petition by the Raleigh Police Department and it appearing to the court that public release of the information in a search warrant dated 04/19/2017, authorizing the search of Google servers for accounts associated with the area near the location 35.785556,-78.617145 between 6:00pm EST and 7:00pm EST on 11-07-2016 and 5:25pm EST and 6:25pm EST on 11-08-2016 would be detrimental to an ongoing criminal investigation.

Pursuant to 18 U.S.C. § 2705(b), 3123(d), and 3103a(b), it is ordered that the provider, and all other communications providers, persons or entities who are obligated by the proposed order to provide assistance to the investigative agency, not to disclose in any manner, directly or indirectly, by any action or inaction, to the subscriber(s) or to any other person, the existence of the proposed warrant, in full or redacted form, the existence of the legal request, or the existence of this investigation, unless otherwise ordered by this Court; and that the identity of any account users included within the search results may be redacted from any copy of the proposed warrant to be served on any service provider or other person. Specifically, being as disclosure of the requested order and investigation would likely result in continued flight from testimony, a modification of the suspect's activities or the activities of those with whom the suspect communicates and associates, or the destruction or tampering of evidence; and would otherwise seriously jeopardize the investigation; the applicant further requests, pursuant to the delayed notice provisions of 18 U.S.C. § 2705(a), for an order delaying any notification to the subscriber or customer that may be required by 18 U.S.C. § 2703(b) to obtain the contents of communications, for a period of ninety (90) days.

THEREFORE, BE IT SO ORDERED that the search warrant, dated 04/19/2017 authorizing the search of Google servers for accounts associated with the area near the location 35.785556,-78.617145 between 6:00pm EST and 7:00pm EST on 11-07-2016 and 5:25pm EST and 6:25pm EST on 11-08-2016 be non-disclosed for a period of ninety (90) days.

This the 12<sup>th</sup> day of APR, 2017

  
SUPERIOR COURT JUDGE'S SIGNATURE

James E. Harsh  
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